

HMK/jb GA 7921

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GREAT AMERICAN INSURANCE  
COMPANY OF NEW YORK,

Plaintiff,

07 CIV 6421 (PAC)(THK)  
ECF CASE

-against-

ADVANCE OCEAN INC., NIPPON YUSEN  
KAISHA, NYK LINE (NORTH AMERICA)  
INC., BURLINGTON NORTHERN SANTA FE  
CORPORATION,

**COMPLAINT**

Defendants.

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Plaintiff by its attorneys KINGSLEY KINGSLEY & CALKINS alleges for its complaint herein:

1. Plaintiff is an insurer existing under the laws of the State of New York which provided insurance coverage herein. Plaintiff's assured, Maclean Power Systems, was the owner of a cargo of insulators shipped on defendants' railroad.

2. Defendants are operators of a railroad doing business as common carriers by rail in interstate commerce, and governed by 49 U.S.C. 11706.

3. This Court has jurisdiction under 28 U.S.C. 1337.

4. Plaintiff sues for damage to a cargo of insulators moving from Elwood, Illinois to Los Angeles shipped in containers TRIU535326-1; NYKU632090-5; TRIU550468-7; TRLU6390080; NYKU602297-9 and NYKU630810-8, delivered for shipping at Elwood July 12, 13, 14, 2006.

5. The damages suffered total \$165,053.04, which was paid by plaintiff under its policy of insurance, and for which plaintiff is duly subrogated.

WHEREFORE, plaintiff demands judgment in the amount of \$165,053.04 plus interest from the date of loss.

Dated: July 11, 2007

KINGSLEY KINGSLEY & CALKINS  
Attorneys for Plaintiff

BY:\_\_\_/S/\_\_\_\_\_  
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